

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JAJUAN DAVIS,

Petitioner,

Case Number: 2:06-CV-11281

v.

HON. GEORGE CARAM STEEH

BLAINE LAFLER,

Respondent.

**ORDER GRANTING PETITIONER'S LETTER-MOTION
TO ENLARGE THE TIME TO FILE A NOTICE OF APPEAL**

Petitioner JaJuan Davis, a state inmate currently incarcerated at the Muskegon Correctional Facility in Muskegon, Michigan, filed a *pro se* petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254. On February 5, 2008, the Court issued an Opinion and Order Denying Petition for Writ of Habeas Corpus. On March 26, 2008, Petitioner filed a Letter-Motion to Enlarge the Time to File a Notice of Appeal.

Fed. R. App. P. 4(a)(5) provides that the district court may extend the time to file a notice of appeal if:

- (i) the party so moves no later than 30 days after the time prescribed by this Rule 4(a) expires; and
- (ii) . . . that party shows excusable neglect or good cause.

Fed. R. App. P. 4(a)(5).

Petitioner has filed his motion for an extension of time within thirty days after the time prescribed by Rule 4(a) expired. Thus, Petitioner satisfies the time requirement of Fed. R. App. P. 4(a)(5).

Petitioner claims that his failure to timely file a notice of appeal is the result of being placed in segregation for an alleged misconduct, of which he was ultimately found not guilty. Petitioner states that, while in segregation, he lacked access to legal materials. The Court finds that Petitioner has established good cause for failing timely to file a notice of appeal and grants the request for an enlargement of time. Petitioner filed a Notice of Appeal on the same date that he filed his letter-motion. Therefore, the Court deems the Notice of Appeal timely filed.

Accordingly, IT IS ORDERED that Petitioner's Letter-Motion to Enlarge the Time to File a Notice of Appeal is GRANTED.

Dated: June 16, 2008

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
June 16, 2008, by electronic and/or ordinary mail.

S/Josephine Chaffee
Deputy Clerk